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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ing *et al.*

Confirmation No.: 5258

Serial No.: 10/518,152

Art Unit: 2629

Filed: December 9, 2004

Examiner: Leonid Shapiro

For: METHOD FOR LOCATING AN
IMPACT ON A SURFACE AND
DEVICE THEREFOR

Attorney Docket No.: 401370-999001

**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §1.56 AND 1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to references B01, B02, and C01 through C03 listed on the attached form PTO-1449. Legible copies of references B01, B02, and C01 through C03 are enclosed.

Identification of the listed references is not to be construed an admission of the Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. In particular, Applicants believe that Ing, 2001, "Dynamic Focusing Using a Unique Transducer and Time Reversal Process," The 8th International Congress on Sound and Vibration, 2-6 July 2001, Hong Kong, China, 18 pp, PowerPoint Presentation, IDS reference C02, (hereinafter the "Ing slides"), is not a printed publication. The Ing slides were displayed to an audience of about eight people by inventor Ros Kiri Ing in a lecture, lasting an hour or less, given during the July, 2001 Conference. Copies of the Ing slides were not given to any conference participants before, during, or after the lecture, they were not displayed in any poster session during the Conference, and they were not published in conference proceedings for the Conference or otherwise indexed in any publicly

available database, catalog, or library. The Ing slides were complex and therefore afforded little opportunity, if any, for audience members to copy during the presentation. Consistent with *In re Klopfenstein*, 380 F. 3d 1345, 1350 (Fed. Cir. 2004), which states that the mere presentation of slides accompanying an oral presentation at a professional conference is not per se a “printed publication” for purposes of 35 U.S.C. § 102(b), these facts indicate that the Ing slides were not sufficiently accessible to the public to constitute a “printed publication.” See also *Regents of the Univ. of Cal. V. Howmedica, Inc.*, 530 F. Supp. 846, 860 (D.N.J. 1981) (holding that “the projection of slides at the lecture [that] was limited in duration and could not disclose the invention to the extent necessary to enable a person of ordinary skill in the art to make or use the invention” and therefore was not a “printed publication”), aff’d, 676 F.2d 687 (3d Cir. 1982).

Applicants respectfully request that the Examiner review the foregoing references and comments and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c)(2), since this Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits but before an action that closes prosecution on the application, it is estimated that a fee of \$180 pursuant to 37 C.F.R. § 1.17(p) required. Please charge the required fee to Jones Day Deposit Account No. 50-3013 referencing docket number 401370-999001. A copy of this sheet is enclosed.

Respectfully submitted,

Date: September 27, 2007


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Enclosures